

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN INSURANCE
COMPANY,

Plaintiff,

V.

CAROL THORN, JOLEEN LEEA COLON;
DALE EUGENE KIRKINDOLL; ELIZABETH S.
KIRKINDOLL; THOMAS HOLT KIRKINDOLL;
JAMES W. GRIFFIN; SANDRA L. GRIFFIN;
PATRICK A. BELT; CHRISTOPHER B. BELT;
GENE STEGMAIER; ESTATE OF WILLIAM R
KLAUSS, a deceased minor, LV STABLE
MEMORIAL HOSPITAL; DRPT. LAKE
REHABILITATION CENTER; BUTLER
COUNTY EMERGENCY MEDICAL
SERVICES.

Defendants.

CIVIL ACTION NO: 2:06cv 717-ID

**DEFENDANT’S DALE KIRKINDOLL, ELIZABETH KIRKINDOLL AND HOLT
KIRKINDOLL’S (HEREINAFTER “KIRKINDOLL’S”) REQUESTS FOR
ADMISSIONS TO PLAINTIFF PROGRESSIVE INSURANCE COMPANY**

COME NOW the above referenced Defendants and moves the Court for summary judgment in their behalf on the following grounds:

1. Admit that since the filing of the instant lawsuit all defendants except the Kirkindoll's have failed or refused to take part in the claims process relative to the accident forming the basis of Progressive's complaint.
2. Admit that Progressive has attempted on multiple occasions to serve all other defendants.

3. Admit that from a factual standpoint Progressive has no evidence to dispute the Kirkindoll's entitlement to all monies interplead.
4. Admit that the Kirkindoll's have answered the complaint, duly made a claim for the benefits and are entitled to the monies paid into Court.

Respectfully submitted,

JACKSON, FOSTER & GRAHAM, LLC
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BY: /s/ SIDNEY W. JACKSON, III
SIDNEY W. JACKSON, III(JAC024)
MATHEW B. RICHARDSON (RIC050)

CERTIFICATE OF SERVICE

I hereby certify that I have on this day 11th of May, 2007, served a copy of the foregoing pleading with te Clerk of the Court using the CM/CEF system which will send notification of such filing to the following:

R. Larry Bradford, Esq.
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/s/ SIDNEY W. JACKSON, III